



U.S. DEPARTMENT of STATE

Chad

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Chad is a centralized republic dominated by a strong presidency. Despite the country's multiparty system of government, power remains concentrated in the hands of a northern ethnic oligarchy and its allies, resulting in a culture of impunity for a ruling minority. President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), has ruled since taking power in a 1990 rebellion. He was reelected President in 2001; however, fraud, widespread vote rigging, and local irregularities marred that election and the April 2002 legislative elections. On June 25, the President nominated Moussa Faki Mahamat as Prime Minister and 17 new cabinet members; the National Assembly approved the nominations. During the year, the rebel group Movement for Democracy and Justice in Chad (MDJT) lost some of its strength in the northwest Tibesti region, which allowed the Government to regain some control of the territory. The Constitution mandates an independent judiciary; however, the judiciary remained ineffective, underfunded, overburdened, and subject to executive interference.

The National Army (ANT), Gendarmerie (a military police force), National Police, Nomadic National Guard (GNNT), Rapid Intervention Force (FIR), Presidential Security Guard (GSP), and counterintelligence service (ANS) are responsible for internal security. On June 30, President Deby issued a decree dissolving the FIR and GSP and forming the Republican Guard, which assumed their duties. The ANT, Gendarmerie, and GNNT report to the Ministry of Defense; the FIR, GSP, and Republican Guard report directly to the Presidency; and the National Police and ANS report to the Ministry of Public Security and Immigration. Officers from President Deby's ethnic group and closely allied ethnic groups dominated the FIR, GSP, and ANS; the exact composition of the Republican Guard remained unknown. During the year, the ANT, Gendarmerie, FIR, and GSP were deployed to the north to fight MDJT rebels, to the east to maintain security along the border with Sudan, and to the south following the arrival of refugees from the Central African Republic (CAR). Civilian authorities did not maintain effective control of the security forces, and there were frequent instances in which elements of the security forces acted independently of government authority. Security forces committed serious human rights abuses.

The increasingly market-based economy was based on subsistence agriculture, herding, and fishing, and more than 80 percent of the workforce was involved in these activities. The country's population was approximately 8.9 million. Impediments to sustainable economic growth were corruption, a thriving informal sector outside of government taxation policies, high electricity costs, and geographic and cultural barriers. The gross domestic product per capita in 2002 was \$237. In July, the country began exporting oil. The Government remained heavily dependent on assistance from external donors and international financial institutions.

The Government's human rights record remained poor, and it continued to commit serious human rights abuses. The Government limited citizens' right to change their government. Security forces committed extrajudicial killings and continued to torture, beat, and rape persons. Prison conditions remained harsh and life threatening. Security forces continued to use arbitrary arrest and detention. The Government rarely prosecuted or punished members of the security forces who committed human rights abuses. Lengthy pretrial detention remained a problem. The Government at times limited freedom of the press, assembly, religion, and movement. The Government arrested, detained, and intimidated members of human rights organizations. Violence and societal discrimination against women were common. Despite official governmental opposition, female genital mutilation (FGM) was widespread. Both official and societal ethnic and regional discrimination remained widespread. Interethnic conflict resulted in numerous deaths. There also were reports of forced labor, including forced child labor. Child labor was a problem. Trafficking in persons was a problem.

On January 17, the umbrella National Alliance for Resistance (ANR) rebel organization signed a peace accord with the Government, which called for an immediate ceasefire and the reintegration of ANR members and sympathizers into the military, civil service, and society. This accord was still in effect, although some ANR members who

opposed the agreement have reportedly joined other rebel groups. In 2002, the Government signed a formal peace treaty with the MDJT; however, intermittent fighting continued.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, officially sanctioned extrajudicial killings of suspected criminals by security forces continued. Local human rights organizations estimated that nearly half of human rights abuses committed in the country involved arbitrary or unlawful deprivation of life by security forces. Extrajudicial killings rarely were directed centrally, and most often occurred outside the capital, where there was less control over security forces. The Government rarely prosecuted or punished members of the security forces who committed killings. Security forces killed suspected members of the northwestern rebellion in the Tibesti. In November, the Government conducted its first executions of judicially condemned criminals in more than 10 years. Domestic and international human rights organizations viewed the speed of such executions as an indication of a deterioration of human rights in the country.

During the year, soldiers were responsible for numerous deaths. For example, on March 9, the opposition political party Federation Action for the Republic (FAR) reported that a group of soldiers in the southern town of Gore raped a 13-year-old girl, who died the following day.

On July 28, security forces shot and killed Hassan Yacine in front of the presidential palace; Yacine was trying to push his vehicle off the road after running out of fuel. Authorities took no disciplinary action against the security force members involved.

In August, soldiers stationed at a military camp in the N'Djamena district of Chagoua attacked 26-year-old Djimtebaye Osee, who later died from his injuries. No charges were brought against the soldiers.

During the year, police shot and killed a demonstrator (see Section 2.b.).

The Chadian Human Rights League (LTDH) lodged a complaint against two commanders, Colonel Mahamat Wakaye and Tahir Babouri, in the 2001 death of Brahim Selguet. They appeared in court for an August hearing, but judgment was delayed when a key witness failed to appear; action on the case was subsequently delayed indefinitely.

There were no reports of any action taken against members of the security forces responsible for the following 2002 incidents: the January death of a Kelo man; the April killing of Epe Madi; the April death of Luc Ndonnena of Bodo; and the July killing of several nomadic herders.

There were no developments in 2001 killings by security forces.

Deaths from military hazing occurred during the year. In April, a soldier died of heat exhaustion after being forced to exercise during the hottest time of the day.

Intermittent armed conflict between the Government and rebels in the Tibesti region continued at a reduced level. There were sporadic reports of clashes between rebel and government forces resulting in loss of life during the year.

There were reports that soldiers from the country robbed and killed citizens in Bangui, CAR; soldiers were deployed to Bangui to help restore order shortly after General François Bozize's successful coup in March. Prior to the coup, former CAR president Ange-Felix Patasse accused the country of providing military support for Bozize.

Landmines laid by government, foreign, and rebel forces in previous years caused numerous deaths and injuries during the year.

In May, family members of the Commander in Chief of the National Army, General Hassane Djorbo, killed Abdelrazik Alio, son of Parliamentarian Alio Abdoulaye Adam, in a hospital in the eastern city of Abeche.

Abdelrazik had killed Djorbo's relative in a fight the day before. Djorbo's family members were arrested; however, they were released the following day without being charged.

Three men arrested in connection with the April 2002 death of Dr. Mahamat Guetti, president of the African Democratic Party and former parliamentary candidate, remained in prison at year's end.

Although no charges had been filed by year's end, two students arrested in December 2002 remained in prison for the death of teacher Goloum Tando, following an ethnically motivated stabbing at Lycee Bilingue du Centre in N'Djamena.

No action was taken in 2002 killings by unknown assailants.

The case of the 2001 killing of Maxime Mbailaou remained unresolved at year's end.

Armed bandits continued to operate on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters.

b. Disappearances

There were reports of politically motivated disappearances during the year. For example, on April 15, Ngardibaye Miretanga, an army sergeant who had joined the National Army after his rebel group signed an accord with the Government, disappeared. The whereabouts of Miretanga, who was working in the Prime Minister's office when he disappeared, were unknown at year's end, and no investigation was being conducted.

On April 27, Lieutenant Nekemde Daoud and a colleague, who were bodyguards of the Prime Minister, disappeared after reportedly being arrested by the counterintelligence service for suspected involvement with a rebel group. No investigation was being conducted into the case, and the whereabouts of the two men remained unknown at year's end.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits such practices; however, members of the security forces tortured, beat, abused, and raped citizens. Impunity for those who committed human rights abuses remained widespread.

On January 12, three soldiers tortured Kirben Amon and raped his wife in their home. In April, a regional military commander and several of his troops were observed beating a civilian on the road. On May 14, police tortured a man in N'Djamena while searching for his brother, whom they suspected of theft. No arrests or investigations were made in any of the cases.

The local press reported that members of the security forces regularly threatened local power and water authority officials when their services were cut or reduced during shortages. On May 21, the union of electrical workers reported that soldiers whose electricity was cut because they failed to pay their residential electric bills regularly tortured employees.

During the year, soldiers raped civilians (see Section 1.a.). On March 10, a group of soldiers in the southern town of Gore raped two girls, who were subsequently hospitalized. No action was taken against the soldiers.

Soldiers stationed at a military camp in the Chagoua district of N'Djamena reportedly beat, raped, and harassed local residents (see Section 1.a.). No action has been taken against the soldiers by year's end.

During the year, police continued to rape women in custody.

The trial of the local gendarmerie brigade commander charged with 2002 rapes in October and November was ongoing at year's end.

There were no further developments in the following 2002 cases: The May rape of a woman in N'Djamena; the July beating of student Mahamat Fadoul Awade; and the October looting and burning of villages in the eastern part of the country by government troops.

No action was taken in the 2001 cases of torture, and other cruel, inhuman, or degrading treatment or punishment reportedly administered by security forces.

Military hazing activities continued, at times resulting in deaths (see Section 1.a.). For example, in January, soldiers were observed being forced to crawl through a drainage ditch filled with rotting garbage and fecal matter. The officer in charge beat the soldiers on the head when they came up for air. In May, a shirtless soldier was observed being forced to crawl on a graveled surface on his bare knees as temperatures reached 110 degrees Fahrenheit.

Prison conditions were harsh and life threatening. Prisons were seriously overcrowded and had poor sanitation, as well as inadequate food, shelter, and medical facilities. After spending 2 months in prison, the chief editor of the independent newspaper Notre Temps reported that there were only 40 cells for approximately 1,200 prisoners at N'Djamena's central prison, which was built during the colonial period to hold only 300 prisoners.

Local human rights organizations reported on the unconfirmed existence of military prisons and prisons run by the immigration service, to which access was prohibited. It was unknown who was detained in these prisons and for what reasons they were held.

The law provides that a doctor must visit each prison three times a week; however, there were credible reports that this provision was not respected. The chief editor of Notre Temps reported that the central prison had no health care facilities, and that only one drug is used to treat all medical problems. During his imprisonment, he witnessed the death of a sick prisoner after authorities refused to send the prisoner to a hospital.

Although the law authorized forced labor in prison, human rights organizations reported that it did not generally occur in practice.

Female prisoners usually were separated from males; however, juvenile males were held with adult male prisoners. Pretrial detainees were held with the general prison population.

The Government permitted the International Committee of the Red Cross (ICRC) to visit most prisons, although the Government insisted on advance notice; the ICRC conducted such visits during the year. In June, the Government provided the Chadian Association for the Promotion of Human Rights (ATPDH) with a permanent authorization notice to visit civil prisons at any time, without advance notice; ATPDH made a publicized visit to N'Djamena's central prison following the authorization. Other nongovernmental organizations (NGOs), including human rights groups, were required to obtain their own authorization from a court or from the Director of Prisons; such authorizations depended largely on the personal inclinations of those granting permission. Organizations were not allowed access to military prisons.

On April 7, the ICRC announced the repatriation of 10 of 11 CAR citizens held in the country as prisoners of war; the remaining CAR citizen continued to be imprisoned in N'Djamena at year's end.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and the Penal Code prohibit arbitrary arrest; however, security forces continued to use arbitrary arrest and detention.

The police force was centrally controlled, but exercising oversight, particularly outside of N'Djamena, was difficult. There was general impunity for police officials who committed human rights abuses. On May 28, the Minister of Public Security publicly acknowledged the country's growing security problems, which resulted in part from the inability of the national and local police to counter widespread banditry, particularly outside of N'Djamena. Corruption was widespread. On August 16, armed bandits allegedly led by a high-ranking gendarme stole \$435,000 (260 million FCFA) from the CotonTchad plant in the southwest town of Pala; a GSP investigation resulted in several arrests.

A judicial official is required to sign arrest warrants; however, the Government often did not respect this requirement. The law required both a bail system and access to counsel, but neither provision was regularly enforced. Few detainees had the means to pay for private counsel, and incommunicado detention was a problem.

On March 11, the National Commission for Human Rights (CNDH), a government entity, submitted to the Prime Minister several citizen petitions concerning arbitrary detention by police. The petitions requested the creation of human rights "cells," or task forces, within the police; however, no action had been taken on the request by year's

end.

In September, after 3 months' imprisonment in N'Djamena, the mayor of Bodo was released after a judge discovered that his imprisonment was based on false information.

In June, intelligence police arrested and detained Ruben Mbainaye for 38 days without judgment before his release. He was believed to have connections to a rebel group.

Security forces continued to conduct sweeps, most notably in the Kelo region, following the robbery of the CotonTchad plant in Pala.

During the year, the approximately 100 refugees held in the national police academy after being evicted in 2002 from the N'Djamena cathedral were repatriated or otherwise resettled (see Section 1.d.).

Police at times arrested journalists and NGO officials who criticized the Government (see Sections 2.a. and 4).

Lengthy pretrial detention remained a problem. Persons accused of crimes could be imprisoned for several years before being charged or tried, especially those arrested for felonies in the provinces, who then were transferred to the overcrowded prison in N'Djamena.

During the year, Mahamat Tabako, who was arrested in 1994 for the 1991 murder of Allafouza Barkai, was given a court hearing. However, because the civil party to the case and the witness were not present, the case was postponed indefinitely, and no further action was considered likely.

Local human rights organizations reported that there were no longer any political detainees in prison.

The law prohibits forced exile, and the Government did not use it; however, in May, individuals from 12 different rebel groups reportedly fled the country to Benin and formed the group United Front for Democracy and Peace. The Government had accused the Benin government of supporting the rebel groups. The situation remained unresolved at year's end.

e. Denial of a Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference. In practice, government officials and other influential persons often enjoyed immunity from judicial sanction.

At the national level, a Supreme Court, Constitutional Court, and Court of Appeals exist; however, some of their members were appointed by the Government and not elected by citizens as required by the law, which weakened the independence of the courts. In August, the constitutionally mandated High Court of Justice was established to try high-ranking government officials; only the National Assembly, which had taken no action on cases by year's end, could forward cases to this court.

The remainder of the judicial system operated through courts located in provincial capitals. The N'Djamena Court of Appeals was supposed to conduct regular sessions in the provinces, but funding limitations did not permit the court to make circuit visits.

The Constitution mandates a Superior Council of Magistrates to recommend judicial nominations and sanction judges who commit improprieties. In June 2002, President Deby signed a decree authorizing the creation of a five-judge Judicial Oversight Commission to conduct investigations of judicial decisions and correct infractions. The President appointed members of the Commission, which increased executive control over the judiciary and decreased the authority of the Council of Magistrates. Parties to judicial cases who felt wronged by the judiciary or the Minister of Justice could appeal to the Commission. During the year, the Commission accepted its first cases, which resulted in the suspension of two magistrates on corruption charges. In June, the States General of Justice, organized to discuss ways to improve the justice system, recommended that the Commission be eliminated due to its overlapping mandate with the Council of Magistrates; however, this recommendation was not implemented. During the year, the Chadian Magistrates Union charged that the Commission was unconstitutional and that only the Superior Council of Magistrates should be permitted to oversee the performance of members of the judiciary. The Union noted that the Superior Council, which suspended three magistrates in 2000 and arresting three others in 2001, all on corruption charges, was adequately fulfilling its role.

Applicable law was sometimes confusing, as courts often tended to blend the formal French-derived legal code with traditional practices, and customary law continued to overrule Napoleonic law in practice. Residents of rural areas often lacked effective access to formal judicial institutions, and legal reference texts were not available outside the capital. In most civil cases, the population relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. Decisions could be appealed to a formal court.

Under the law, defendants are presumed innocent until proven guilty, but in practice many judges assumed guilt, particularly in crimes involving rape or theft. Cases are heard as public trials, and defendants have the right to appeal any decision. Defendants and their lawyers are permitted by law to question witnesses, as are judges.

Official inaction and executive interference continued to plague the judiciary. The salaries of judicial officials were low. In June, a judicial conference was widely attended and publicized. The conference report was completed; however, resource restraints and political pressures limited its public availability.

During the year, the Muslim concept of "dia" was debated throughout the country. Dia, which involves a payment to the family of a murder victim or victim of a crime based on the decision of a local religious tribunal, was widely practiced in the northern, Muslim areas of the country. Non-Muslim groups, who supported implementation of a civil code, challenged the spread of the dia system, arguing that it was incompatible with the Constitution. Such groups further accused the Government of supporting dia practices by permitting the existence of local tribunals. No resolution was reached by year's end.

The Government and human rights organizations reported that there were no political prisoners during the year. However, the whereabouts of some individuals arrested on suspicion of subversive activities against the Government were unknown at year's end. There were reports of several military and immigration prisons, but human rights or other organizations were denied access.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, authorities used illegal searches and wiretaps and monitored the contents of private mail. The Penal Code requires authorities to conduct searches of homes only during daylight hours and with a legal warrant; however, in practice, security forces ignored these provisions and conducted unlawful searches at any time. Security forces also stopped citizens daily, extorting money or confiscating belongings.

The Government engaged in wiretapping without judicial authorization, monitored the contents of private mail through the postal service, and monitored private e-mail through the main post office server.

There were no new developments in the 2002 or 2001 cases of arbitrary interference.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected freedom of speech; however, it limited freedom of the press.

The Government, which owned the newspaper Info Tchad and influenced another, Le Progrès, did not dominate the press.

A number of private newspapers, many of which were extremely critical of government policies and leaders, were published and circulated freely in the capital.

Due to widespread illiteracy and the relatively high cost of newspapers and television, radio remained the most important medium of mass communication and information. The Government owned one radio station, Radiodiffusion Nationale Tchadienne. The Catholic Church-owned La Voix du Paysan broadcast locally-produced programming, including news and political commentary, in French and indigenous languages over a 140-mile range from the southern town of Doba. The licensing fee set by the High Council on Communication (HCC) for a commercial radio station was prohibitively high at approximately \$10,000 (6 million FCFA) per year, 10 times the fee for radio stations owned by nonprofit NGOs. Despite this fee, the number of private FM stations increased by year's end. Stations run by nonprofit groups were subject to close official scrutiny.

The Government owned and operated the only domestic television station, Telet Chad. A new private television station was registered in 2001, but demand for private television was limited by economic conditions, such as the lack of a sizeable audience with the required purchasing power. There was one privately owned satellite television company that distributed both a package of French-language and English-language channels. Arabic programming was also available via satellite. The Government did not interfere with these channels.

Some journalists in the rural provinces reported that government officials warned them that democracy was for N'Djamena, not the regions, meaning that journalists should temper any contentious political reporting. In addition, some domestic journalists claimed that the Government restricted their ability to cover some events or visit certain locations and limited their access to high-ranking officials, restrictions which the Government did not impose on foreign journalists.

During the year, there were fewer reports that the Government threatened journalists with legal retaliation for publishing material on the rebellion in the northern part of the country, about senior government officials accused of corruption, or responsibility for attacks on Chadian citizens in Libya.

Libel law was used to suppress criticism of political leaders. If compensation was provided to the victim, violators could face 1 year's imprisonment or a suspended sentence of 1 year with a fine. During the year, the Government arrested several journalists for libel.

On February 6, the editor and deputy editor of the independent newspaper Notre Temps, Nadjikimo Benoudjita and Mbainaye Betoubam, were arrested for libel against a woman related to President Deby. They were initially sentenced to 6 months' imprisonment and a 1-year suspension of journalistic activities; their newspaper was also ordered closed for 3 months and fined \$1,600 (1 million FCFA), a sum equivalent to seven times the average per capita income. The verdict and the severity of the sentence triggered protests from human rights associations, political parties, press associations, and foreign diplomatic missions. The journalists, who appealed and received a reduced sentence, spent 2 months in prison and paid \$3,200 (2 million FCFA) to the libeled woman; the paper was allowed to continue operations, and the journalists were allowed to return to work immediately after release from prison.

On May 28, the deputy chief editor of the private weekly newspaper N'Djamena Bi-Hebdo, Djendroum Mbaininga, was arrested for photographing without permission an arrest of drug dealers; Mbaininga was released without charges shortly afterward.

On July 11, the editors of the radio station FM Liberte, François Douman and Nara Antoloum, were arrested for defamation against the Deputy Prosecutor of N'Djamena; they were released the same day without charge.

During the year, the Government filed a complaint with the HCC against Radio FM Liberte, which had broadcast criticism of the country's growing insecurity and compared President Deby's ruling tactics with those of former President Hissein Habre. Although the HCC has sole legal authority to take punitive measures against radio stations, the Ministry of Public Security shut down the station on October 22. On November 4, the Ministry of Territorial Administration announced that the station would be reopened the following day; however, when the staff arrived on November 5, police prevented their entry. After several additional weeks of negotiation, the station reopened in mid-December.

There were no developments concerning the 2002 appeal by the University of N'Djamena against a court ruling that favored the independent weekly paper Notre Temps.

The Government placed limits on radio broadcasting, including a 3-week ban on one radio station and the confiscation by local authorities of a radio journalist's equipment; however, Radio Brakos, which authorities shut down the previous year, was allowed to resume broadcasting.

Government-owned and -controlled media were subject to informal censorship; however, at times they were critical of the Government.

The government-owned telecommunications monopoly provided the sole Internet access server in the country. The Government did not restrict access to the Internet; however, the government-owned firm reportedly set prices. In July, the firm granted licenses to private companies to deliver high-speed wireless Internet services to the country; however, these services were not available by year's end.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The law requires organizers of public demonstrations to notify local authorities 5 days in advance of the demonstration. Authorities banned demonstrations critical of the Government despite being notified in advance as required by law; however, they permitted demonstrations in support of the Government and its policies.

The CNDH criticized the police for killing one student and injuring others during a student demonstration in the southern town of Gounou-Gaya on March 11 and 12. Students had gathered to protest a recent teachers' strike, and police used excessive force to disperse the unarmed protesters. No action was taken against those members of the police by year's end.

On March 18, students from several N'Djamena secondary schools demonstrated in support of teachers, who had been on strike since March 10 to protest contract issues. As the protesters became violent, riot police fired tear gas into the crowd, injuring several protesters. On March 24 and 26, police again fired tear gas to break up other demonstrations; nine persons were injured, one seriously.

In August, the trial began on behalf of the women injured by riot police during a 2001 demonstration against voting irregularities. In November, the riot police were found not guilty due to lack of evidence.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for religious freedom; however, at times, the Government limited this right. The Constitution also provides for a secular state; however, senior government officials were predominantly Muslim, and some policies favored Islam. For example, the Government sponsored annual Hajj trips to Mecca for certain government officials.

The Government required religious groups, including both foreign missionary groups and domestic religious groups, to register with the Ministry of Interior's Department for Religious Affairs. Registration conferred official recognition but not any tax preferences or other benefits. There were no specific legal penalties for failure to register, and there were no reports that any group had failed to apply for registration or that the registration process was unduly burdensome. In previous years, the Government denied official recognition to some Arab Muslim groups near the eastern border with Sudan, on the grounds that they had incorporated elements of traditional African religion, such as dancing and singing, into their worship.

In recent years, the Government arrested and sanctioned some fundamentalist Islamic imams believed to be promoting conflict among Muslims. The Islamic religious group Faïd al-Djaria remained banned at year's end on the grounds that its religious customs, including the singing and dancing of men and women together in religious ceremonies, were un-Islamic.

Islamic congregations appeared to have an easier time obtaining official permission for their activities. Non-Islamic religious leaders reported a perceived governmental favoritism for Islam, but indicated that they did not feel overtly pressured by this favoritism. There were reports that Islamic officials and organizations received greater tax exemptions and unofficial financial support from the Government. State lands were reportedly given to Islamic leaders for the purpose of building mosques, while other religious denominations were obliged to purchase land at market rates.

Although the different religious communities generally coexisted without problems, there were reports of occasional tension between Christians and Muslims, including acts of vandalism of churches and chapels located in Muslim-dominated quarters of N'Djamena and certain towns. For example, in February, a church in the predominately Muslim town of Abeche was burned. According to both Christian and Muslim leaders, these were primarily isolated acts of individuals.

For a more detailed discussion, see the [2003 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2003/27719pf.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government imposed some limits in practice. The Government did not require special permission for travel in areas that it effectively controlled; however, elements of the security forces, rebels, and bandits continued to maintain roadblocks throughout the country, extorting money from travelers and often beating them. The Government did not officially condone such behavior by its security forces; however, it did not effectively discourage the practice. In addition, armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters.

In May, security forces stopped an expatriate businessman at a checkpoint and pistol-whipped him; the businessman sustained severe head injuries as a result. There was no investigation or disciplinary action.

Chadian refugees were legally free to repatriate. According to the 2003 World Refugee Survey, approximately 7,000 of the country's citizens were refugees in Nigeria, Gabon, and the CAR at the end of 2002. Many Chadian refugees living in CAR returned to the country amid fighting immediately prior to a March seizure of power in CAR. Approximately 30,000 citizens were living in refugee circumstances in Cameroon but were assumed to be permanently settled.

The Constitution does not provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol. An official national structure, the National Committee for Welcoming and Reinsertion, handled domestic and foreign refugee affairs. In response to the influx of refugees from CAR early in the year, the UNHCR assigned a temporary employee its N'Djamena office, which had closed in 2001.

The Government provided temporary protection for refugees. According to the 2003 World Refugee Survey, the country hosted 15,000 Sudanese refugees at the end of 2002. In addition, at least 50,000 refugees fled from CAR into the southern part of the country as a result of the March seizure of power; few had returned to CAR by year's end. There were also small numbers of refugees from the Democratic Republic of the Congo and a refugee flow into the eastern part of the country as a result of fighting in Sudan's Darfur region in August and September. The Government granted refugee and asylum status informally to persons from Sudan and the Republic of the Congo and allowed them to remain for resettlement.

In March, there were reports that soldiers in the southern border town of Gore harassed, beat, and stole from refugees fleeing CAR.

There was no reported action in the 2002 case of gendarmes who kidnapped and detained refugee Bienvenu Ngala Mambweni and approximately 100 other persons, all of whom were either voluntarily repatriated or otherwise resettled.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, the Government continued to limit this right in practice. The Government was headed by a prime minister, who was nominated by the President and confirmed by the National Assembly. In June, President Deby nominated his relative, Moussa Faki Mahamat, as Prime Minister, replacing Haroun Kabadi, who had served for 1 year. Despite protests from southern opposition leaders, Mahamat's nomination was approved by the National Assembly and reversed a 25-year trend of naming a southern Christian as Prime Minister. The executive branch dominated all other branches.

During the April 2002 legislative elections, President Deby's MPS party won 110 out of 155 seats in the National Assembly. The election results were largely determined in advance, due primarily to a faulty electoral census that the Government refused to revise, as well as to inaccurate registered voter lists. In addition, the MPS, running allied with another party in some districts, was the only political party to have a candidate in every district. Local NGOs reported numerous voting irregularities.

According to several observers, President Deby's first-round victory in 2001 was marred by irregularities, including voting by minors and unregistered voters, early and repeat voting by nomadic groups, election-day campaigning by the ruling party, and the presence of government officials and the military in polling stations during the voting. While

monitoring the voting process, unofficial observers from local human rights and civil society groups were assaulted in polling stations. In addition, prior to and following the presidential election, several cases of abuses against opposition supporters and candidates took place, and the Government restricted media coverage.

The independent Elections Commission, which is dominated by President Deby's MPS party, was ineffective in overseeing the April legislative election and the 2001 presidential elections. The Commission had 31 members, including 16 government representatives, 12 representatives of political parties holding seats in the National Assembly, and 3 representatives of political parties not holding seats in the National Assembly. Two of the Commission members were women.

The Government remained highly centralized. The national Government appointed all subnational government officials, who often relied on the central Government for funds and for administrative personnel. In a July 15 press release, human rights associations criticized the militarization of the administration, noting that most of the country's 17 new governors were formerly high-ranking military officials; they also criticized the new Director of Judiciary Police, who was implicated in several outstanding cases of judicial abuse.

There were an estimated 70 political parties in Chad. The Government allowed opposition political parties to form and operate and did not restrict membership in these groups, although parties allied with the regime generally received favorable treatment. Opposition political leaders have accused the Government of co-opting their most popular local politicians to run as MPS members in local elections and also alleged intimidation by the military against those party members who refused. Northerners, in particular members of President Deby's Bideyat and allied Zaghawa ethnic groups, continued to dominate the public sector and were over-represented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff.

In February, the Government began its constitutionally mandated decentralization process. Many opposition political parties objected to the Government's decentralization plan and presidentially decreed internal territorial divisions. A total of 14 prefectures were redesignated as 17 regions, and were headed by governors, not prefects. Governors were appointed by and reported directly to the Presidency. Prefects retained their titles but administered smaller departments within the regions.

Few women held senior leadership positions: There were 4 women in the 125-seat National Assembly and 2 women of cabinet rank.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government obstructed the work of human rights organizations during the year through arrest, detention, and intimidation; however, such groups still were able to investigate and publish their findings on human rights cases. Government officials generally were accessible to human rights advocates but generally unresponsive or hostile to their findings.

There were three primary human rights organizations: The ATPDH, The Association for the Promotion of Fundamental Liberties in Chad (APLFT), and the LTDH. These and smaller human rights organizations worked closely together through an umbrella organization, the Association of Human Rights (ADH), and their work included observing government detention practices, assisting individuals who have suffered human rights abuses, and holding public conferences and seminars.

Despite pressure from the Government, human rights groups were outspoken and often partisan in publicizing the abuses through reports, press releases, and the print media, but only occasionally were they able to intervene successfully with authorities. Most human rights groups were composed of opponents of the Government, which weakened their credibility with the Government and some international organizations.

In January, Souleymane Guengueng, founder of the Chadian Association of Victims of Political Repression and Crime, was fired from his position with the Lake Chad Basin Commission. Human Rights Watch (HRW) reported that the Commission took the measure in reprisal for his campaign to record and publicize the abuses of former president Hissene Habre and to bring criminal proceedings against members of the Habre regime.

In May, Bandala Tchatcho Pierre, president of the Kelo branch of the LTDH, was arrested at the request of the prefect of Kelo after criticizing the complicity of administrative and military authorities in intercommunity conflicts. He was released without charge after a short detention.

In June, the sub-prefect of the southern town of Krim-Krim made a death threat against Ahmat Macky Outman, a

member of the Chadian Human Rights League, after Outman criticized human rights abuses committed by the sub-prefect against local citizens. No action was taken against the sub-prefect.

No action was taken against members of the police responsible for the October 2002 torture of Sylahorbe Maningonal and David Mamtadjinan, two members of the Maro branch of the LTDH or the beating and robbery by men in uniform of a local NGO coordinator.

International human rights organizations were restricted, although the Government began to permit more investigative activity. After several years of being prohibited from working in the country, during the year, Amnesty International assigned a representative to N'Djamena to examine human rights abuses in the country and work with human rights organizations.

Belgian courts continued their investigation of crimes against humanity committed by Habre following a 2002 visit to the country by a judicial mission from Belgium. The mission investigated crimes committed during Habre's rule from 1981 to 1990. At year's end, Habre was living in Senegal, and Belgian courts, along with human rights organizations, were trying to extradite him for trial in Belgium. No additional legal action was taken against Habre during the year. In July, a lawyer from HRW visited the country to ensure former victims of the Habre regime that recent modifications to the Belgian Law of Universal Jurisdiction would not affect the case against Habre.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status; however, these rights were not always enforced. In practice, cultural traditions maintained women in a status subordinate to men, and the Government favored its ethnic supporters and allies. Societal discrimination against homosexuals, those afflicted with HIV/AIDS, and indigenous persons continued.

Women

Domestic violence against women was common, although statistics were unavailable. By tradition, wives were subject to the authority of their husbands, and they only had limited legal recourse against abuse. Family or traditional authorities could act in such cases; however, police rarely intervened. The law prohibited rape, prostitution, and spousal abuse, but not sexual harassment; however, all were problems.

There were reports that family members killed women for breaking social customs. For example, in February, a man and his brother were charged with killing the man's daughter because she refused to marry her cousin. In July, Hadje Khadidja was tortured and killed by her cousins because she spent the night at her boyfriend's house.

FGM was widespread and deeply rooted in tradition. A 2002 U.N. study estimated that approximately 60 percent of all women in the country had undergone FGM. The practice was especially prevalent among ethnic groups in the east and south, where it was introduced from Sudan. All three types of FGM were practiced. The least common but most dangerous and severe form of FGM, infibulation, was confined largely to the region on the eastern border with Sudan. FGM usually was performed prior to puberty as a rite of passage.

Opposition to the elimination of FGM was strong; however, in March 2002, Parliament passed a law on reproductive health, which included a section banning violence against women, including FGM. Under the law, FGM is prosecutable as a form of assault, and charges can be brought against the parents of FGM victims, medical practitioners, or others involved in the action; no such suits were brought during the year. The Ministry of Social Action and the Family was responsible for coordinating activities to combat FGM.

Discrimination against women remained widespread. In practice, women did not have equal opportunities for education and training, making it difficult for them to compete for the few formal sector jobs. Property and inheritance laws based on the French code do not discriminate against women; however, most inheritance cases were adjudicated by local leaders, with traditional practice favoring men. A 1999 study found that 21 percent of housewives could not work outside the home because their husbands forbade them from doing so. The exploitation of women was pervasive especially in rural areas, where women did most of the agricultural labor and were discouraged from formal schooling. Illiteracy was estimated at 66 percent for women, compared with 41 percent for men.

The law sanctions polygyny; however, spouses may opt to declare a marriage monogamous. If a monogamous relationship is violated, the wife has the right to request that the marriage be dissolved; however, she must repay

the bride price and other expenses related to the marriage.

Children

The Government generally supported the activities of NGOs and international donors to improve children's rights and welfare, but had few resources to organize its own activities. Although the Government continued to modestly increase its assistance to the education sector, it was unable to adequately fund public education and medical care. Government education policy for children and youth focused on increasing classroom facilities and infrastructure.

Although the Constitution does not specify until which age, it does provide for compulsory education; however, the Government did not enforce this provision. The Constitution also provides for free education; however, parents complained that they must pay tuition to public schools. Approximately half of the teachers in Chad were hired and paid by parent-teacher associations without government reimbursement.

According to UNICEF, 39 percent of children were enrolled or attended primary school. Educational opportunities for girls were limited, mainly because of tradition. Approximately as many girls as boys were enrolled in primary school, but the percentage of girls enrolled in secondary school was extremely low, primarily because of early marriage.

Child abuse was a problem. For example, in April, a human rights organization reported that an 8-year-old girl in the southwestern town of Lere was tortured to death by her adoptive family.

The law considers any citizen under the age of 18 years a minor. Sexual relations before the age of 13 years, even with consent, are considered to be rape, and the prescribed sentence is hard labor into perpetuity. The age of consent is 14. Although the law prohibits sexual relations with a girl under the age of 14, even if married, this law rarely was enforced. Families arranged marriages for girls as young as the age of 12 or 13; the minimum age for engagements was 11 to 12. There were some forced marriages, and many young wives were forced to work long hours of physical labor for their husbands in fields or homes.

FGM was commonly practiced on young girls (see Section 5, Women).

Several human rights organizations reported on the problem of the "mahadjir" children. These children, who attended certain Islamic schools, were forced by their teachers to beg for food and money. There were no real estimates as to the number of mahadjir children.

Although the use of child soldiers was prohibited by law, UNICEF estimated that there were approximately 600 child soldiers in the country, within both the government military service and rebel groups. Unlike in previous years, there were no reports of the military conscripting children.

In 2002, UNICEF estimated that there were approximately 10,000 street children, and in April, the newspaper *Le Temps* reported the number was increasing. According to the article, the children were on the streets because either one or both parents have died, or because parents simply do not want to take care of them.

Child labor remained a problem (see Section 6.d.).

During the year, there were several programs to help children, including efforts to curb the widespread use of child herders in the south of the country. In April, UNICEF trained representatives from 35 NGOs to work with networks of parents, herders, and schools in the south to ensure that children had access to free education. In urban areas, UNICEF and other NGOs worked to educate homeless children and reintegrate them into their families or other social support networks.

Persons with Disabilities

There was no official discrimination against persons with disabilities; however, the Government operated only a few therapy, education, or employment programs for persons with disabilities, and no laws mandate that buildings be accessible to persons with disabilities. Several local NGOs provided skills training to the deaf and blind.

National/Racial/Ethnic Minorities

There were approximately 200 ethnic groups, many of which were concentrated regionally and spoke 128 distinct primary languages. Although most ethnic groups were affiliated with one of two regional and cultural traditions--Arab and Saharan/Sahelian zone Muslims in the north, center, and east; and Sudanian zone Christian or animist groups in the south--migrations in response to urbanization and desertification resulted in the integration of these groups in some areas of the country.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of buying and employment, in patterns of de facto self-segregation in urban neighborhoods, and in the paucity of interethnic marriages, especially across the north-south divide. The law prohibits state discrimination on the basis of ethnicity, although in practice, ethnicity continued to influence government appointments and political alliances (see Section 3). Political parties and groups generally had readily identifiable regional or ethnic bases.

The rebellion in the northern Tibesti region lost much of its strength during the year, with some former rebels reintegrating into the national army and others fleeing the country. Some remained in the Tibesti region, where sporadic fighting continued. The Government continued to exhibit a pattern of discrimination in selectively separating injured northerners, especially Zaghawa, for treatment, with the Zaghawa given preferential medical treatment, including evacuation abroad. Human rights groups in Faya Largeau charged that many untreated injured southerners were left to die as a result of the selective access to medical treatment based solely on ethnicity.

In January, an interethnic conflict between the Kreda and Kouka groups in the northeastern part of the country resulted in 74 deaths and 182 injuries.

In July, the Alliance for Democratic Renewal reported that intercommunity clashes were increasing in the southern town of Moundou; however, the Government took no action to stem the conflict.

In August, an interethnic conflict arose on the country's border with Sudan, which reportedly resulted in disorder and banditry on the Chadian side of the border. President Deby participated directly in cease-fire negotiations, and an accord was reached on September 4.

In January, legislation was proposed to require the registration of nomadic herders to better document their movement. The bill was opposed primarily by the nomadic groups themselves, who did not want controls placed on their activities. As a result, the legislation did not pass.

Section 6 Worker Rights

a. The Right of Association

The Constitution recognizes freedom of association and union membership, and the Government generally respected the right to organize in practice. In one instance, the Government encouraged the employees of the national water and energy company to form a union. All employees, except members of the armed forces, were free to join or form unions.

The main labor organization was the Chadian Syndicates' Union (UST), whose members were both individuals and smaller unions. The other major union was the Teacher's Union of Chad. Neither union had ties to the Government. A number of minor federations and unions also operated, some of which had ties to government officials. In the formal sector, more than 90 percent of employees belonged to unions; however, the majority of workers were nonunionized, unpaid subsistence cultivators or herders. The Government, which owned businesses that dominate many sectors of the formal economy, remained the largest employer.

The Labor Code protects unions against anti-union discrimination. A High Committee for Work and Social Security is the formal mechanism for addressing complaints, but it was overburdened and underfunded. The Government, in partnership with the unions and others, worked toward the creation of a committee to oversee a National Social Dialogue, which would cover issues of dispute resolution.

There were reports that a 1962 ordinance requiring prior authorization from the Ministry of the Interior before an association can be formed remained in force. The ordinance also allowed for the immediate administrative dissolution of an association and permitted the authorities to oversee associations' funds. The International Labor Organization (ILO) Committee of Experts has cited the Government for its denial of the right to establish an organization without prior approval.

Labor unions have the right to affiliate internationally. The UST was affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution contains only general provisions for the rights of the Government to set minimum wage standards and to permit unions to bargain collectively. The Labor Code has specific provisions on collective bargaining and workers' rights, and authorizes the Government to intervene in the bargaining process under certain circumstances.

The Constitution recognizes the right to strike, and the Government generally respected this in practice. The law permitted imprisonment with forced labor for participation in strikes; however, no such punishment was imposed during the year, despite legal and illegal strikes in various sectors, particularly petroleum, education, and electricity.

The Chamber of Commerce and leading private business organizations organized a 1-day general strike to protest growing insecurity and the Government's failure to promote safety.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution and the Labor Code prohibit forced or bonded labor, including by children; there were continuing reports of forced labor practices in the formal economy and isolated instances of forced labor by both children and adults in the rural sector by local authorities (see Section 6.d.). There were reports that prisoners were required to work to pay their back taxes.

The law permits imprisonment with forced labor for participation in strikes, a provision the ILO has asked the Government to repeal; however, the law remained in effect at year's end.

Unlike in previous years, there were no reports that Zaghawas were conscripted forcibly into the armed forces.

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor, including forced child labor, was a problem. The Government has ratified key international treaties governing child labor but generally lacks the means to ensure enforcement.

The Labor Code stipulates that the minimum age for employment in the formal sector was 14 years; however, the Government did not enforce the law in practice. The labor law provides that anyone under the age of 18 is a child and prohibits children from undertaking "any work which, by its nature or the circumstances in which it was carried out, was likely to harm the health, safety, or morals of children." According to a 2000 UNICEF study, 65.5 percent of minors worked, including those performing domestic chores for more than 4 hours per day, those working within the family (herding, microcommerce, etc.), and those who worked for someone outside the family but who were underage. Approximately one out of every five children between the ages of 6 and 18 years of age worked in the urban informal sector. Children worked in agriculture and herding throughout the country. Children were also employed in the commercial sector, particularly in the capital, as street vendors, manual laborers, and helpers in small shops. Young girls worked as domestic servants, mainly in N'Djamena.

By some estimates, abusive and exploitative child labor affected 20 percent of children between the ages of 6 and 18. There were cases of children being sold by their families in some southern regions. In some areas, local authorities began to fine parents caught selling their children into forced labor. In response, some families began to work with intermediaries to pass children from families directly to the farm owners.

No action was taken on the September 2002 letter from the quasi-official National Commission for Human Rights to the Prime Minister concerning reports of children being sold and exploited in Koumra and other cities in the Mandoul region.

During the year, there were reports that in the southern part of the country, families contracted out their children to Arab nomadic herders to help care for their animals, and the children often were abused and returned with little financial compensation for their work. In one case, a 12-year-old boy was kidnapped in N'Djamena and forced to work without salary on a farm approximately 60 miles away. Some children worked as domestic servants in the

households of relatives for little compensation. In June, the governor of the southern Mandoul region acknowledged the existence of children sold by their parents to nomadic herders.

Some young girls were forced into marriages by their families and then forced to work in their husbands' fields or homes and to bear children while they were still too young to do so safely (see Section 5).

The Government worked with UNICEF to increase public awareness of child labor. During the year, UNICEF organized 16 workshops in regional towns to share information on the dangers of forced child labor and the benefits of education. The training left each town equipped with one individual charged with overseeing the continuing public relations campaign.

e. Acceptable Conditions of Work

The Labor Code requires the Government to set minimum wages. The minimum wage at year's end was \$45 (25,480 FCFA) per month. Most wages, including the minimum wage, were insufficient to provide a decent standard of living for a worker and family. Nearly all private sector and state-owned firms paid at least the minimum wage, but it was largely ignored in the vast informal sector. During the year, the Government began to pay all employees at least the minimum wage for the first time, and government salaries increased overall by 5 percent. In some parts of the country, there were long delays in the payment of government salaries. Salary arrears remained a problem, although less so than in previous years. Low wages among customs, police, and military officials contributed to almost daily extortion of the civilian population along all major roads (see Section 1.f.).

The law limits most employment to 39 hours per week, with overtime paid for supplementary hours. Agricultural work was limited to 2,400 hours per year. All workers were entitled to an unbroken period of 48 hours of rest per week; however, in practice these rights rarely were enforced.

The Labor Code mandates occupational health and safety standards and inspectors with the authority to enforce them; however, these standards rarely were respected in practice in the private sector and were nonexistent in the civil service. The ILO reports noted that the labor inspection service does not have adequate resources to perform its duties.

Workers had the right to remove themselves from dangerous working conditions; however, in practice they could not leave without jeopardizing their employment.

The Labor Code explicitly protects all workers, including foreign and illegal workers, but the protections provided were not always respected in practice.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports of trafficking within the country. Children were trafficked for forced labor, primarily as herders.

The Penal Code makes trafficking in persons a crime punishable by 5 to 20 years in prison; however, no governmental agency or NGO focused explicitly on the problem, and no economic or financial aid was available unless a victim sought damages in court. UNICEF sponsored educational campaigns through the media to advise parents to instruct children about the danger of trusting strangers. The LTDH also handled cases in this area on an individual basis throughout the year.

In 2002, a 9-year-old girl was sold to a former subprefect to work as a maid. After 6 months, the girl fled and took refuge in national radio station. When the station aired an appeal for the parents to retrieve the child, the employer appeared, carrying a copy of a work contract signed by her parents, two witnesses, and the head of the gendarme brigade in her home department. Gendarmes who were present at the radio station contacted local human rights organizations and refused to return the child to her employer. In July 2002, the prosecutor summoned the employer to court; however, the employer did not appear, and the case was dropped.